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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,036	03/19/2001	Ian M. Drysdale	FDC 0502 PUS	9345
20350	7590	09/10/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			BOUTAH, ALINA A	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/812,036	Applicant(s) DRYSDALE ET AL.	
	Examiner Alina N Boutah	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-26, 28-36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,757,719 issued to Lightman et al. (hereinafter referred to as Lightman).

Regarding claim 1, Lightman teaches a system for providing an automatic electronic communication between a user and facility comprising:

a personal wireless device including a transceiver device (figure 2A); and

a facility communication system resident at said facility having a sensing device for recognizing the presence of said personal wireless device transceiver when the personal wireless device is within a predetermined distance from the facility communication system whereby said facility communication system sends a communication signal to the personal

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wireless device when said sensing device senses the presence of said personal wireless device (figure 2B).

Regarding claim 2, Lightman teaches the system of claim 1 wherein said personal wireless device creates a system notification for notifying said user that a communication signal has been received by said personal wireless device (figures 2A and 4B).

Regarding claim 3, Lightman teaches the system of claim 1 wherein said personal wireless device is a cellular phone (col. 1, lines 56-57).

Regarding claim 4, Lightman teaches the system of claim 1 wherein said personal wireless device is a pager (col. 1, line 56).

Regarding claim 5, Lightman teaches the system of claim 1 wherein said personal wireless device is a personal digital assistant (col. 1, line 57-58).

Regarding claim 6, Lightman teaches the system of claim 1 wherein said facility is a commercial establishment and said predetermined distance is entrance with said commercial establishment (col. 2, lines 15-21).

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Regarding claim 8, Lightman teaches the system of claim 6 wherein said communication signal is an advertisement providing data regarding said commercial establishment (col. 17, lines 3-11).

Regarding claim 9, Lightman teaches a system for providing a targeted electronic communication between a user and commercial establishment comprising:

a personal wireless device including a transceiver device (figures 1 and 2A); and

a facility communication system resident at said commercial establishment having a sensing device for recognizing the presence of said personal wireless device transceiver when the personal wireless device is within a predetermined distance from the facility communication system whereby said facility communication system sends a request for information to the personal wireless device when said sensing device senses the presence of said personal wireless device and said personal wireless device sends a response data message back to said facility communication system corresponding to said request for information and said facility communication system sends targeted electronic communication to said personal wireless device corresponding to response data message (figures 2B; col. 17, lines 3-11; col. 17, line 59 to col. 18, line 2).

Claims 10-16 are similar to claims 2-8 therefore are rejected under the same rationale.

Claim 17 is similar to claims 1 and 9 therefore is rejected under the same rationale.

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Regarding claim 18, Lightman teaches a method for a facility communication system to provide a targeted electronic communication to a user having a personal wireless device comprising the steps of:

- storing user specific information in a storage location (figures 1 and 2B);
- providing the personal wireless device with a transceiver device (figures 1 and 2A);
- recognizing the presence of the personal wireless device transceiver when the personal wireless device is within a predetermined distance from the facility communication system (figure 2B);
- sending a request for user specific information from the facility communication system to the personal wireless device (figures 5A and 11A);
- retrieving the user specific information (figure 11B);
- sending the user specific information from the personal wireless device to the facility communication system (figures 6 and 7);
- comparing the user specific information to predetermined criteria (figures 6 and 7); and
- sending a targeted electronic communication to said personal wireless device corresponding to the user specific information (col. 17, lines 3-11).

Regarding claim 19, Lightman teaches the method of claim 18 further including the step of notifying said user that a targeted electronic communication has been received by said personal wireless device (figures 2A and 4B).

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Regarding claim 20, Lightman teaches the method of claim 18 wherein said step of storing user specific information in a storage location comprises storing the user specific information within said personal wireless device (figure 2C, 276).

Regarding claim 21, Lightman teaches the method of claim 18 wherein said step of storing user specific information in a storage location comprises storing the user specific information at a remote storage location which is accessible by the personal wireless device (figure 2B).

Regarding claim 22, Lightman teaches the method of claim 21 wherein the step of retrieving the user specific information comprises retrieving the user specific information from said remote storage location (figure 2B).

Regarding claim 23, Lightman teaches the method of claim 18 wherein said personal wireless device is a cellular phone (col. 1, lines 56-57).

Regarding claim 24, Lightman teaches the method of claim 18 wherein said personal wireless device is a pager (col. 1, lines 56-57).

Regarding claim 25, Lightman teaches the method of claim 18 wherein said personal wireless device is a personal digital assistant (col. 1, lines 57-58).

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Regarding claim 26, the method of claim 18 wherein the step of recognizing the presence of the personal wireless device transceiver when the personal wireless device is within a predetermined distance from the facility communication system comprises recognizing the presence of the personal wireless device when the user enters a facility where the facility communication system is located (col. 17, line 59 to col. 18, line 2).

Regarding claim 28, Lightman teaches the method of claim 18 wherein said facility communication system is located in a commercial establishment and said targeted communication signal and said targeted communication signal is an advertisement providing data corresponding to said response data message related to a product found at said commercial establishment (col. 17, lines 3-11).

Claim 29 is similar to claim 17, therefore is rejected under the same rationale.

Regarding claim 30, Lightman teaches the method of claim 29 wherein said means for accessing user specific information is accessing the personal wireless device system and retrieving previously stored user specific information (claim 1).

Regarding claim 31, the method of claim 29 wherein said means for accessing user specific information is accessing by the personal wireless device a remote storage location having user specific information (figure 2A).

Regarding claim 32, Lightman teaches the method of claim 29 wherein said means for accessing user specific information is accessing a publicly available remote storage location having user specific information (claim 1).

Regarding claim 33, Lightman teaches the method of claim 29 wherein said personal wireless device is a cellular phone (col. 1, lines 56-57).

Regarding claim 34, Lightman teaches the method of claim 29 wherein said personal wireless device is a pager (col. 1, lines 56).

Regarding claim 35, Lightman teaches the method of claim 29 wherein said personal wireless device is a personal digital assistant (col. 1, lines 57-58).

Regarding claim 36, Lightman teaches the method of claim 29 wherein the step of recognizing the presence of the personal wireless device transceiver when the personal wireless device is within a predetermined distance from the facility communication system comprises recognizing the presence of the personal wireless device when the user enters a facility where the facility communication system is located (col. 17, line 59 to col. 18, line 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lightman in view of USPAPN 2002/0095333 by Jokinen et al. (hereinafter referred to as Jokinen).

Regarding claims 7 and 27, Lightman fails to explicitly teach the system and method of claims 6 and 18 wherein said targeted communication signal is an e-coupon corresponding to the user specific information for use at said commercial establishment. Jokinen teaches said targeted communication signal being an e-coupon corresponding to the user specific information for use at said commercial establishment (figure 5). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to send an e-coupon in order to distribute advertisements to potential customers, therefore giving advertisers a method of effectively controlling advertising costs [0005].

Regarding claim 37, Lightman fails to teach the method of claim 29 wherein said facility communication system is located in a commercial establishment and said user specific information is demographic information. Jokinen teaches user specific information being demographic information [0048]. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to enable said user specific information as a

demographic information in order to allow advertiser to limit the number of targeted users [0048], therefore maximizing the system's efficiency.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US – 2003/0126250 by Jhanji.
2. US – 2002/0094787 by Avnet et al.
3. US – 2002/0068585 by Chan et al.
4. US – 2002/0004746 by Ferber et al.
5. US – 2002/0035605 by McDowell et al.
6. USPN 5,960,085 issued to de la Huerga.
7. USPN 6,336,142 issued to Kato et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

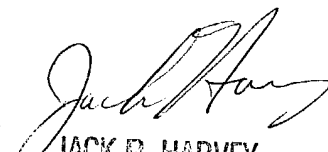
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANB



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